

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

STACEY STONE-JUSAS,

Plaintiff,

Case No. 2:14-cv-00669-JCM-NJK

ORDER

v.

WAL-MART STORES, INC.,

Defendant.

Presently before the court are the report and recommendation of Magistrate Judge Koppe. (Doc. # 21). No objections have been filed, and the deadline for filing objections has passed.

Upon reviewing defendant Walmart Stores, Inc.’s (hereinafter “defendant”) motion to sever claims, (doc. # 5), and plaintiff Stacey Stone-Jusas’s (hereinafter “plaintiff”) motion to remand to state court, (doc. # 8), Magistrate Judge Koppe recommended that the former be denied and the latter be granted.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a

1 magistrate judge's report and recommendation where no objections have been filed. *See United*  
 2 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
 3 employed by the district court when reviewing a report and recommendation to which no  
 4 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)  
 5 (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are  
 6 not required to review "any issue that is not the subject of an objection."). Thus, if there is no  
 7 objection to a magistrate judge's recommendation, then this court may accept the recommendation  
 8 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a  
 9 magistrate judge's recommendation to which no objection was filed).

10 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
 11 whether to adopt the recommendation of the magistrate judge. Upon reviewing the  
 12 recommendation and underlying briefs, this court finds good cause appears to ADOPT the  
 13 magistrate judge's findings in full.

14 Accordingly,

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
 16 recommendation of Magistrate Judge Koppe, (doc. # 21), are ADOPTED in their entirety.

17 IT IS FURTHER ORDERED that defendant's motion to sever claims, (doc. # 5), be, and  
 18 the same hereby is, DENIED.

19 IT IS FURTHER ORDERED that plaintiff's motion to remand, (doc. # 8), be, and the same  
 20 hereby is, GRANTED.

21 DATED THIS 17<sup>th</sup> day of October 2014.

22   
 23 JAMES C. MAHAN  
 24 UNITED STATES DISTRICT JUDGE  
 25  
 26  
 27  
 28